

A Work Session of the Clarence Town Board was held on February 10, 2010 at Clarence Town Hall, One Town Place, Clarence, NY.

Supervisor Scott Bylewski called the meeting to order at 6:00 P.M. Members of the Town Board present were Council members Joseph Weiss, Bernard Kolber, Patrick Casilio and Peter DiCostanzo. Other town officials present were Director of Community Development James Callahan, Assistant Planner Brad Packard, Town Attorney Steven Bengart, Town Engineer Joseph Latona, Senior Building Inspector David Metzger, Director of Administration and Finance Pam Smith, and Recreation Director Clifford Trapper.

Director of Community Development – James Callahan

Formal Agenda items:

Chris Smith 8137 Sheridan Drive

Applicant is requesting a public hearing for consideration of a Temporary Conditional Permit for the operation of an automotive sales location. The proposed site is located on the south side of Sheridan Drive, east of Transit Road. The existing commercial property is currently being utilized for the Buck and Doe deer processing facility. Per the Zoning Law, the Town Board has the authority to approve temporary conditional permits. Areas of concern include the layout and design of site to accommodate display and storage of vehicles, total number of units to be displayed, hours of operation etc.

Stahley Road LLC 8315-8385 Stahley Road

Applicant is seeking final approval on subdivision to create five (5) new residential building lots per the submitted concept. The proposed site is located on the south side of Stahley Road, east of Miles Road. The existing vacant land with previously approved fill permit is located in the Residential Single-Family Zone within Erie County Sewer District #5. Per the Subdivision Law, the Town Board has authority to approve lot splits. The Planning Board has forwarded a recommendation on the amended design and the Town Engineer has provided conditions on the approval and on any future building permits.

Work Session items for consideration February 24, 2010:

Pandora Rathgeber 9080 Wehrle Drive

Applicant is proposing an in-law apartment for the existing home. The proposed site is located on the south side of Wehrle drive, east of Shimerville Road in an existing single-family residence located in the Residential Single-Family Zone. Per the Zoning Law, the Town Board may consider a secondary living unit via a Special Exception Use Permit. All conditions as identified in the Zoning Law for a secondary living unit must be met.

Clayt Ertel 8347 Sheridan Drive

Applicant is proposing to relocate a television repair use to the basement of the existing home. The applicant would continue to utilize the existing home as the principal use of the property. The proposed site is located on the south side of Sheridan Drive, west of Harris Hill Road in existing residential property located in the Restricted Business Zone. As the proposed use is not an identified permitted use in the Restricted Business Zone, the Town Board may consider a Temporary Conditional Permit after a required public hearing.

Michael Giammarise 8441 Sheridan Drive

Applicant is proposing to operate a vehicle repair operation at his existing residential property. The proposed site is located on the south side of Sheridan Drive, west of Harris Hill Road. The existing residential property is located in the Restricted Business Zone. The proposed automotive use is not an identified acceptable use in the Restricted Business Zone. The Town Board may consider a Temporary Conditional Permit after a required Public Hearing. Areas of concern include compatibility with the Restricted Business Zone and adjoining land uses.

Christopher Morgan/CAM Services 10165 Main Street

Applicant is seeking approval to display snow plows for purchase. The proposed site is located on the south side of Main Street, west of Strickler Road at a pre-existing heavy duty plow/fabrication center located in the Traditional Neighborhood and Commercial District. The area along the Main Street frontage identified in the TND and the area to the rear is located in a commercial classification. The Town Board may consider the request via a Temporary Conditional Permit.

Clifford Trapper - Recreation Outcome-Base Budget Report

Mr. Trapper stated that when he first started working on his Balanced Based Budget it was somewhat confusing and he was not sure what was required of him. Being this is the first year, there is not much to compare the numbers to.

Mr. Trapper examined the recreation programs as a whole and individually and determine any gaps and insufficiencies he had as far as budgeting concerns such as how much they are putting into the program and how much are we getting out of them as far as participation. Then modifications would be made accordingly to either improve or possibly cancel a program. Mr. Trapper is against cancelling any programs; he would rather make modifications to improve the program first and then make a final decision later.

As far as the data, attendance figures were collected from every program and he came up with participation hours (how many hours of participation per program). Mr. Trapper also tracked staff hours, wages and how many hours the participants are spending at each program.

Mr. Trapper came up with five target programs, the cost for each program and how he will try to improve each one. The five target programs include: football, toddler/craft program, archery, basketball and tennis.

Currently, his goal would be to make these programs more cost effective without sacrificing the quality of service the program provides.

Currently, the football program is structured to "drop off and play", there is no schedule however, and the kids are required to sign in. Mr. Trapper is modifying this by going back to a league format. Three years ago they had a league format where participants were assigned teams and assigned schedules which is similar to what he does with floor-hockey. There is an hour long session, you are assigned to a team and you show up to play. Mr. Trapper has contacted the Bulldogs Football league to get the information out and will also contact the Bee. A minimal fee of \$20 per team will be charged. There would be no change in staff hours.

The Toddler/Craft program is run one morning in each park throughout our parks system. It is a drop off/participate program. Currently, Mr. Trapper feels this program is too heavily staffed for the numbers he is getting. He will reassign staff to alternate programs. He will increase promotion of the current program through the schools, brochure and the Clarence Bee.

The Archery program is currently run in 2 parks per day. Mr. Trapper is considering having one location-3 days per week. If you want to participate in archery you would go to the Main Street Park and it would be run like a clinic one week or one day a week. This would reduce staff hours and travel time.

The Basketball Program is structured "drop off and play." Mr. Trapper would like to modify this with a league format. A minimal fee of \$20 will be charged per team. There will be no change in staff hours.

Tennis Program is drop-off and participate. Lessons are given at three different parks throughout the course of the week. Mr. Trapper would like to alter the schedule to expand age brackets and to adhere to one hour lessons and possibly open up some

evening hours and open it up to adults as well. Estimated increase in staff hours would be approximately six hours per week.

Another possibility would be to address the possibility of charging for swim lessons like every other town does. Currently, it is a nice service the town provides and the town pool is one of the most used facilities. Mr. Trapper is also considering extending the pool hours and keep it open longer into the season.

Supervisor Bylewski suggested Mr. Trapper continue to work with Youth Director Dawn Kinney on some type of marketing program to get the information to the public regarding the Recreation Department and the Youth Bureau.

Clubhouse Restoration Committee – Rohlfs Clock

There was a lengthy discussion at the February 3, 2010 Work Session regarding the possibility of sending the clocks mechanism out for cleaning/repair to get the clock running again.

Pat Brace and Sharon Barker from the Clubhouse Restoration Committee were present to answer any questions as was Fred Robjent who restores clocks.

Sharon Barker stated that the Clubhouse Restoration Committee has taken great strides to preserve and protect the Rohlfs Clock. They brought it over from the Historical Museum and had it placed in a beautiful crafted glass case. The Committee believes Mr. Rohlfs created the clock not only for the artistic beauty but also a clock should tell time and that is why they invited Mr. Robjent to clean the clock. The Committee is requesting the Mr. Robjent be allowed to repair the clock as well.

Mr. Robjent stated that he looked at the clock, he took the back off of the clock, he did not remove the mechanism but he removed the pendulum. Before he removed the pendulum, Mr. Robjent pushed on it and it did run, this shows that there is nothing major wrong with the clock. The clock has been idle for a long time so it will need cleaning. Mr. Robjent believes the clock is a 30 day clock. It would not be difficult to remove the mechanism for cleaning/repair. Mr. Robjent would need to take the mechanism, the pendulum and the hands of the clock; he would then take it home, disassemble it and clean it with an ultrasonic cleaning device. The clock would then be reassembled. Mr. Robjent would get it running as close as he can to the correct time. He would then return the clock to the Clubhouse and level it.

Mr. Robjent worked for Fisher Price Toys for 28 years as a product development engineer. He invented mechanisms and has 8 patents. His grandfather made clocks and repaired them as well which is where Mr. Robjent got his interest in clocks. He is also a member of the Clock and Watch Club in the Buffalo area. Mr. Robjent also worked on the Apostolic Clock.

Councilman Casilio stated that he spoke to the appraiser and a working clock is worth more than a non-working clock. However, the mechanism of the clock is very important and he is worried about losing parts as a part of this transaction. Mr. Robjent stated that a nut is missing as well as the key for the clock. Councilman Casilio said if the clock is running every day, are we wearing it out? Do we want it running every day for the next 30 years and wear it out to a point where it cannot be repaired any more or will it last forever.

Mr. Robjent stated that he had this same discussion with the Apostolic Clock whether to run it just when there were dignitaries for special events or have it run constantly. Mr. Robjent stated that it is better for a clock to run; it is more likely to have problems if it sits idle. Parks employee Paul Allen would wind the clock on a regular basis.

Mrs. Brace stated that clocks are made to run and run for generations. Mechanisms do wear out, however nothing on the outside of the clock will be touched, and that is where the value of the clock is. The inner workings of this clock are generic and can be replaced if necessary.

Councilman Casilio and Councilman Kolber were concerned about Mr. Robjent having the clocks mechanism in his possession and something happening to it. Again, Mrs. Brace stated that the clock itself is not going to be moved, just the mechanism. The wood part of the clock is what is valuable.

Supervisor Scott Bylewski

Supervisor Bylewski will announce the four motions that were passed at the February 3, 2010 morning Work Session.

Family members of Flight 3407 are asking that every one wear red on Friday, February 12th and also turn your porch lights on in the evening to *"light the way home."*

Supervisor Bylewski once again reminded board members to contact their liaison assignments to work on their action plans.

Supervisor Bylewski will be meeting with our grant writer regarding a NY Main Street grant.

Supervisor Bylewski copied the board on the Conservation Advisory report.

Supervisor Bylewski will make a motion recognizing March 11, 2010 as World Kidney Day in the Town of Clarence.

Supervisor Bylewski has one item for Executive Session regarding the appointment of a corporation.

Councilman Joseph Weiss

Highway Superintendent Ted Donner is requesting Town Board approval to post speed limits on Heise Road and Tonawanda Creek Road.

Highway Superintendent Ted Donner is requesting a transfer of funds.

Animal Control Office Jerome Schuler is requesting a transfer of funds.

Councilman Weiss has been contacted about the ditch on Kraus Road that runs east and west on Smiley Terrace. The resident has complained about excessive amounts of ground water. Town Engineer Latona stated that the resident downstream would not allow the town to continue the ditch. The town put in two deep wells which helped relieve the situation however under certain conditions, it does backup.

Councilman Weiss has one item to discuss in Executive Session regarding the appointment of an individual.

Councilman Bernard Kolber

Councilman Kolber received notice from Time Warner about the 2009 franchise fee; the Town will receive approximately \$214,000.

Councilman Kolber will make a motion regarding signage at Memorial Park, Sunset Park, Meadowlakes and Town Place Park for the Clarence Baseball Association.

Councilman Patrick Casilio

The Moreland Committee met on Saturday morning and went over the fact that there are power poles in the Harris Hill area that the power company is not servicing anymore because they cannot make the electrical connections to them. Councilman Casilio talked to the committee about painting existing poles this summer. Town Engineer Latona found possible access to a grant for pole replacement. Councilman Casilio will work on the grant with Tim Lavocat which could solve some of the problems.

Councilman Casilio discussed the pillars at the entrance to Nottingham Terrace. The committee talked about the possibility of two new pillars positioned better to the road than where the existing one is now.

Upon the Nottingham repaving project, many residents are cutting the corner and the committee has inquired about a possible stone fence. This would be a good Eagle Scout project with donated cobblestones that they may be able to obtain from the City of Buffalo.

Councilman Casilio has been given a contract person from the DOT. He will contact them regarding their plans for sidewalks along Main Street from Thompson Road to Main and Transit intersection.

There was a request from the Hollow Association to lower the speed limit in Clarence Hollow. They would like it lowered to 30MPH. Councilman Casilio has a resolution asking the NYSDOT to consider lowering the speed limit to 30 MPH in Clarence Hollow from Strickler Road to Davison Road.

Councilman Casilio met with Town Security and will bring the Board up to speed in Executive Session.

Parks Security has been having repeater problems; they will put a repeater at the Town Park and test from there.

Councilman Casilio has one item to discuss in Executive Session regarding the appointment of a corporation and the employment history of a particular person.

Councilman Casilio received an e-mail from John Gaulocher. The Town of Amherst has put together a committee to review the cost of the fire hydrants throughout their town; Amherst has the same problems that the Town of Clarence has experienced. Councilman Casilio endorses what the Town of Amherst is doing and would like to meet with that committee and bring back any information to the town.

Councilman Peter DiCostanzo

Councilman DiCostanzo will set a public hearing to designate the Spoor's Hotel on Main Street in Clarence Hollow as a historic structure.

Councilman DiCostanzo reminded the Town Board about the Chamber of Commerce dinner on February 25th.

Councilman DiCostanzo will make a motion to transfer funds for both the Assessor's Office and Youth Bureau.

Town Attorney Bengart has several Attorney-Client items to discuss.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105 (1) F of the Open Meetings Law to discuss the employment history of a particular person, matters leading to the appointment of a particular person and matters regarding the appointment of a particular corporation(s). Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the meeting adjourned at 6:57 PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 7:32 PM. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, February 10, 2010 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:35 P.M. Pledge to the flag was led by Councilman Peter DiCostanzo, followed by a moment of silence in memory of the soldiers and sailors who have lost their lives defending our country.

Members of the Town Board present were Councilmembers Peter DiCostanzo, Patrick Casilio, Bernard Kolber, Joseph Weiss and Supervisor Bylewski. Other Town officials present were Director of Community Development James Callahan, Town Attorney Steven Bengart, Town Engineer Joseph Latona, Planner Brad Packard and Building Inspector David Metzger.

Motion by Councilman Weiss, seconded by Councilman Kolber to accept the minutes of the previous meeting held January 14, 2010. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to accept the minutes of the previous meeting held January 20, 2010. Upon roll call – Ayes: All; Noes: None. Recuse: Councilman Peter DiCostanzo (He was not present). Motion carried.

Supervisor Bylewski said as is our past practice to announce motions that were made at morning work sessions; the following motions were made at the February 3, 2010 meeting:

- Adopting a report of the hearing officer regarding termination of an employee.
- Special Event regarding the 3407 Walk and vigil that takes place this Friday.
- Awarding a waterline material bid for Memorial Park.
- HVAC Contract for the Youth Bureau.

Supervisor Bylewski said the families of Flight 3407 have asked all of us to wear red on Friday and to leave your porch lights on as part of the “light their way home” effort.

Supervisor Bylewski said the Town Board continues to work with the departments that they are liaison to develop action plans based on the satisfaction survey. He had an opportunity to call everyone who left their phone number on the survey to follow up with them. He looks forward to hearing some of the action plans that we are developing.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to approve the volunteered services of Fred Robjent to clean the Rolph’s Clock located in the Town Park Clubhouse. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to approve the following transfers of funds in the 2009 Budget:

\$480.00 from A1.1420.0470 Expense and Travel to A1.1420.423 Books and Supplements;

\$29.98 from A3989.471 Emergency Service Training & Education to A3989.100 Personal Services;

\$1,162.35 from 1680.434 Professional Services to 1680.479 – Software & Maintenance;

\$8.97 from 1220.100 Personal Services to 1220.416 – Gas & Oil;

\$15.00 from 1220.100 Personal Services to 1220.432 - Dues & Subscriptions;

\$734.69 from 1620.438 Light, Heat and Power to 1620.100 Personal Services;

\$315.97 from 1620.438 Light, Heat and Power to 1620.402 Janitorial Supplies;

\$560.26 from 1620.438 Light, Heat and Power to 1620.450 Maintenance of Bldg. & Grounds;

\$732.80 from 1620.438 Light, Heat and Power to 1620.454 Repairs to Library;

\$26.01 from 7510.401 Office Supplies to 7510.100 Personal Services.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to adopt the following resolution:

WHEREAS, kidney disease affects more than 26 million Americans and about one in nine adults suffer from chronic kidney disease; and

WHEREAS, approximately 170,000 Western New Yorkers have chronic kidney disease,

another 170,000 are at risk and don't know it, over 1,600 are on dialysis, and over 500 are awaiting kidney transplants; and

WHEREAS, the two main causes of chronic kidney disease are diabetes and high blood pressure, which are responsible for up to two-thirds of the cases; and

WHEREAS, the mission of the National Kidney Foundation of WNY is to prevent kidney and urinary tract diseases, improve the health and well-being of individuals and families affected by these diseases, and increase the availability of all organs for transplantation; and

WHEREAS, along with regular screening it is important for the public to know that with diet, exercise, lifestyle management and proper nutrition, the progression of chronic kidney disease can be slowed and may be stopped all together; and

WHEREAS, the cost of treatment for kidney disease patients is disproportionately higher than any other chronic disease; and

WHEREAS, most patients rely primarily on Medicare and Medicaid to cover the costs of life-sustaining care including dialysis, medication laboratory testing, and transportation to facilities; and

WHEREAS, any changes in Medicare and Medicaid eligibility would put these patients significantly at risk.

NOW THEREFORE BE IT

RESOLVED, that March 11th, 2010 is recognized as "World Kidney Day" in the Town of Clarence and in the State of New York, in the hope that all possible support will continue to be extended to Chronic Kidney Disease patients in New York and throughout the country and the world.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the following transfers of funds in the Highway Department budget accounts: \$10,063.91 from 002.5110.0433 to 002.5130.0452 and \$63.37 from 002.5110.0433 to 002.5110.0429. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the following transfer of funds in the Animal Control accounts: \$177.74 from 001.3510.0220 to 001.3510.0474. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that upon recommendation by Highway Supt. Ted Donner, the following requests for speed limit changes on County roads be approved: 45 MPH speed zone on Heise Road from Clarence Center Road to Lapp Road; and a 45 MPH speed zone on Tonawanda Creek Road from Transit Road to Salt Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss said he and his son went out on the bike path in response to complaints about dog waste. They cleaned some up and talked to people they saw who had their dogs with them. The owners all had bags with them. The problem area seems to be at the entrance on Salt Road near Main Street. Other areas seemed to be fine. He reminds people to clean up after their dogs.

Motion by Councilman Kolber, seconded by Councilman Casilio to authorize the Town of Clarence Baseball Association to:

1. Install advertising signs along the outfield fencing at Memorial, Sunset, Meadowlakes and Town Place for a period of one year. The signs are to be white with green backing and are to be taken down at the end of the baseball season. Any existing signs that need replacement should conform to the color requirements; and
2. To cover the dugouts at Memorial Park, similar to the Town Place Park dugouts, to protect the players from wind and rain. The expense will be paid for by the TCBA Booster Club and the Club will be responsible to putting up and taking down the covering material at the end of the season.

This resolution is to be renewed on an annual basis upon the request of the Town of Clarence Baseball Association.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber said he received a letter from Time Warner Cable regarding payment of their franchise fees for 2009. They will send the remaining amount due of \$108,297.83 from the total for 2009 of \$214,538.25.

Motion by Councilman Casilio, seconded by Councilman Kolber to approve the following transfer of funds: \$292.52 from account 001.3120.0273 Crossing Guards Uniforms to 001.3120.0417 Vehicle Maintenance. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio said the Clarence Hollow Association has had discussion at several meetings, and with advice from consultants, that the speed limit on Main Street in the Hollow is too high. The speed limit is 40 mph and they would like to see it lowered for public safety and to draw attention to the businesses that are in the Hollow.

Motion by Councilman Casilio, seconded by Councilman Weiss to request the State DOT to lower the speed limit on Main Street from Strickler Road to Davison Road from 40 mph to 30 mph. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to set a Public Hearing for March 10, 2010 at 7:50 p.m. to consider historic designation status for the Spoor's Hotel on Main Street at Salt Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo announced that the Chamber of Commerce Awards Dinner will be held on Thursday, February 25th at Samuel's Grande Manor. The cost is \$45 per person.

Councilman DiCostanzo said the Youth Bureau held the first session of the Substance Abuse Series and it was very well attended. The series continues the first Monday of March, April and May.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to approve the following transfers of funds: Youth Bureau - \$5.25 from account A7310.220 Office Equipment to A7310.0416 Gas & Oil; Planning & Zoning - \$3,401 from A8010.0100 Personal Services to A8010.0472 Master Plan Expenses; Assessor - \$76 from A1355.0100 Personal Services to A1355.0470 Expense and Travel, \$142.67 from A1355.0100 Personal Services to A1355.0470 Other Unclassified; Recreation - \$114.12 from A7140.0407.1004 Recreation First Aid to A7180.0407 Pool First Aid, \$89.35 from A7140.425.1014 Recreation Supplies to A7140.0430.1004 Printing, \$4,245.50 from A7180.0415 Chemicals to A7180.0250 Capital Improvements, \$1,044.17 from A7180.0438.0000.0029 Pool Utilities to A7180.0459.0000.0029 Pool Clean Up. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said the Assessor asked him to remind property owners that the filing deadline for all tax exemptions is March 1st, 2010 including first time applications, renewals for STAR, senior, veterans, disability, agricultural and business investment exemptions. You can call Assessor Christine Fusco for further information at 741-8941. She will also be holding three sessions on Saturdays in the future on how to challenge your assessment.

Town Clerk Nancy Metzger reminded everyone that taxes are due Tuesday, February 16th.

Supervisor Bylewski thanked all department heads present for attending.

Supervisor Bylewski stated for the record that the Town Clerk submitted the 2009 Town Clerk's Annual Report of Fees and the 2009 Annual Tax Collection Report.

Public Participation

Ed Burkard submitted a CD showing pictures of the latest flood on his property that occurred January 25, 2010. He is asking for clarification on whether they have to stay 50 ft. back from the lot lines that were assigned to that property. They are taking away from open space where the flood waters flow by allowing filling back where the two doubles were built.

Supervisor Bylewski said if it is approved, the Engineer's office would be involved in building permit phases regarding drainage issues.

Councilman Kolber asked if the drainage issue is on his property or the other property.

Mr. Burkard said on both. The water on the east side of his property comes up 60 to 70 feet from the creek. The other side they have him blocked off and it comes up along his house to only 50 ft. from the road. The creek wants to flow its natural course, but it has been tiled half way to the creek. He believes there are a lot of issues in that whole waterway system.

Mr. Burkard said he wants to be on record stating his concerns. He has pictures and videos showing what happens on the properties.

Councilman Weiss asked if he believes it would be injurious in the future to people who would build there.

Mr. Burkard said he cannot figure out who would want to build there. They filled the lots to a certain point. It is part of the floodway.

Christopher Smith requests a Public Hearing to consider an Automotive Sales Operation at 8137 Sheridan Drive. James Callahan said the location is the south side of Sheridan Drive east of the Eastern Hills Mall entrance in the Commercial Zone. The applicant would like to sell vehicles from this location.

Christopher Smith was present. The display of vehicles would be in the back and not visible.

Supervisor Bylewski said he should bring a site plan of how it will be displayed to the public hearing.

Councilman Kolber asked if the Buck and Doe Shop is still going to be there also. Mr. Smith said there is plenty of room to accommodate both businesses.

Councilman Casilio said this is the best location he has come up with so far. He should know that if cars end up on display at Sheridan Drive, the permit could be pulled.

Councilman Weiss asked if the vehicles that are there will be removed. Mr. Smith said they are not his, but he will make sure they are removed. He also asked if he could have up to 20 cars. The number of cars he is allowed will determine if it is feasible for him to do.

Supervisor Bylewski said it would help to see a site plan.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to set a Public Hearing for March 10, 2010 at 7:45 p.m. to consider the request for a Temporary Conditional Permit for an automotive sales operation at 8137 Sheridan Drive. Upon roll call – Ayes: All; Noes: None. Motion carried.

Stahley Road LLC requests Subdivision Approval creating five new residential building lots at 8135 – 8185 Stahley Road. James Callahan said the location is the south side of Stahley Road, east of Miles Road in the Residential Single Family Zone. The Planning Board has forwarded a recommendation with conditions. A Negative Declaration was issued 1/20/10.

Supervisor Bylewski asked where Mr. Burkard's property is in relation to this. It is east of the proposed lots.

Kevin Curry said he believes he has done everything he was directed to do. He started out with proposing nine lots and then he thought he had six lots. The Planning Board made the recommendation to approve five lots.

Mr. Curry said that Mr. Burkard is adjacent to lot 5. He believes that once the lot is built on the water situation will be better. There is a 50 ft. do not disturb buffer from the centerline of the creek. The DEC liked the idea of the two previously proposed lots with the tails along the creek. Therefore there would only be two properties bordering the creek.

Councilman Kolber asked what the rear lot setback would be. James Callahan said the setback is 45 ft. from the lot line.

Councilman Weiss asked Mr. Burkard if the water extends past the 45 ft. setback to where the houses would be built. Mr. Burkard said they filled from the road back. He cannot answer if it would impact the houses.

Town Engineer Joseph Latona said he is surprised that they have not heard this before. They would require a complete master drainage plan on all of the lots before he begins. It will ensure that Mr. Burkard is not impacted whatsoever. The buffer referred to is a conveyance channel to allow water to move through.

Motion by Councilman Casilio, seconded by Councilman Kolber to adopt the following resolution:

Resolved, that the Clarence Town Board approves the request of the applicant, Stahley Road, LLC, for final approval for a subdivision to create five (5) new residential building lots in the residential single-family zone at 8315-8385 Stahley Road (south side of Stahley Road, east of Miles Road) subject to the following conditions:

1. Appropriate Fees.
2. Approval of the lot split as proposed by Stahley Road LLC on December 9, 2009.
3. Applicant to comply with the six conditions spelled out in the letter from the Clarence Engineer's office to the Planning Board dated December 17, 2009.
4. Waive the requirement under paragraph 193-21(E) of the Code of the Town of Clarence where driveways must share a common curb cut and allow an individual curb cut for each of the five (5) parcels consistent with the other residential development along Stahley Road.
5. Allow Engineering review/Development Plan approval on a lot by lot basis as each individual parcel is developed.

On the question, Supervisor Bylewski said not only will there be a master drainage plan prepared, but there will be a case by case analysis for each lot as it is developed.

Town Attorney Steven Bengart said normally we would ask if the applicant is in agreement with the conditions.

Mr. Curry said yes.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Carol Landreville presented a petition signed by residents opposed to a Fireworks Display Permit being issued for Newhouse Road. She also presented a profound and compelling letter from her vet stating the condition of her animals and what can happen due to this exposure.

Ms. Landreville also had a law from the DEC stating that no person shall cause emissions of air contaminants to unreasonably interfere with the comfortable enjoyment of life or property.

It started four years ago when a rocket was shot off six feet from her horse and landed on the roof of her house. The horse was terrified. He moved six more feet away and continued his fireworks. Each year the event gets bigger and bigger.

Ms. Landreville said there was no consideration for her, her animals or $\frac{3}{4}$ of the neighbors on the street who signed a petition opposed to a permit being issued. Mr. Casilio's farm is also being affected by these fireworks.

Supervisor Bylewski said the petition was submitted last year after the event. The Town Board has been made aware of the situation.

Councilman Kolber said we have nothing before us.

Supervisor Bylewski said if he does come in, given the issues that have been presented; it would be a matter to put before the Right-to-Farm Committee.

Ms. Landreville said she has lived here for 28 years and she keeps to herself and does not harass her neighbors. Last year the cars were parked all along Harris Hill Road, Roll Road and on both sides of Newhouse. If there had been a problem, emergency vehicles could not have made it down the street. There is copious amount of smoke from the fireworks. Her horses cannot take that. She does not want her hayfield to burn from the sparks. She does not want to come here every year to submit a petition. She would like the Board to tell him no. She also does not want to move her horses so they can have fireworks.

Ms. Landreville said would you allow him he do it at his house in Transit Valley Acres.

Supervisor Bylewski said there is no application to review, so there is nothing for the Town Board to act on. He thanked her for the petition and bringing the issue forward.

Councilman Casilio said he is unaware of his horses being affected by the fireworks. He offered his facility to move her horses there.

Ms. Landreville said her horses were born there and she is not moving them. This person has no consideration for her and her property and she will not accommodate him.

Councilman Kolber asked if the neighbor lives there. He does not.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to approve the following: Clubhouse Applications – A. Clarence H.S. Indoor Track – March 16, 2010; Legion Hall Applications – A. Hai Family – Feb. 26, 2010; B. Clarence Conservative Party – March 2, 2010; C. Louise Hannon – March 7, 2010; D. Tina Battaglia – March 21, 2010; E. Jennifer

Passero – March 27, 2010; F. Kathy Herrscher – April 25, 2010; G. Rhonda Diehl – April 11, 2010; H. Robert Weber – April 18, 2010. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and review by the Town Board, the following bills of February 4, 2010 are approved for payment: General Fund - \$107,674.12; Highway Fund - \$28,631.77; Water District - \$386.00; Drainage District - \$24,878.00; Sewer Districts - \$433.94; Capital Fund - \$90,115.53; and Trust & Agency 203 - \$5,336.28 for a total amount of \$257,455.64. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:35 P.M.

Nancy C. Metzger
Town Clerk